



MITCHELL E. DANIELS, JR., *Governor*

JAMAL L. SMITH, *Executive Director*

**ICRC NO.: HOha12041154**

**JAMAL L. SMITH, in his official capacity as  
EXECUTIVE DIRECTOR of the  
INDIANA CIVIL RIGHTS COMMISSION,**  
Complainant,

vs.

**ICON PROPERTIES, LLC,  
ORCHARD HILLS, LLC,  
ORCHARD HILLS APARTMENTS,**  
Respondents.

**NOTICE OF FINDING and  
ISSUANCE OF CHARGE**

The Executive Director of the Indiana Civil Rights Commission ("Commission"), pursuant to statutory authority and procedural regulations, hereby issues the following findings with respect to the above-referenced case. Reasonable cause exists to believe that an unlawful discriminatory practice has occurred. A Charge is therefore issued in accordance with 910 IAC 2-6-6(b).

On April 27, 2012, [REDACTED] filed a complaint with the Commission against Icon Properties, LLC, Orchard Hills, LLC & Orchard Hills Apartments ("Respondents") alleging discrimination on the basis of disability, in violation of the Indiana Fair Housing Act (IC 22-9.5, et seq), the Indiana Civil Rights Law (IC 22-9, et seq) [REDACTED]. Accordingly, the Commission has jurisdiction over the parties and the subject matter of this complaint.

An investigation has been completed. Both parties have had an opportunity to submit evidence. Based on the final investigative report and a review of the relevant files and records, the Executive Director now finds the following:

The Complainant alleges that he was discriminated against because his request for a reasonable accommodation was denied. In order to prevail, the Complainant must prove that 1) he falls within a protected class, 2) Complainant requested a reasonable accommodation for his disability and 3) Respondent denied or unreasonably delayed Complainant's request for a reasonable accommodation without showing an undue hardship.

Complainant is a member of a class of persons protected by the Fair Housing Act due to his disability. Complainant requested a reserved handicap parking space in front of his unit due to his mobility impairment. Respondent denied Complainant's request for the reasonable accommodation. Respondent stated the current inventory of handicap accessible parking spaces is sufficient and they simply don't provide any additional reserved parking. An additional designated



parking space closer to Complainant's unit would be reasonable, and Respondent has failed to show how such an accommodation would impose an undue burden on its business operations.

This evidence establishes reasonable cause to believe that Respondent has violated the Indiana Civil Rights Law, the Indiana Fair Housing Act, and the Federal Fair Housing Act. As permitted by 910 IAC 2-6-6(h), any party to this complaint may elect to have the claims asserted in this Charge decided in a state court, in lieu of an administrative proceeding under 910 IAC 2-7. Such an election must be made no later than twenty (20) days after service of this Notice. The notice of election must be filed with the Commission and served on the Director, the Respondent and Complainant.

If such an election is not timely made, an administrative hearing of this matter will be scheduled by the Administrative Law Judge. Respondents shall have an opportunity to file an answer to this charge within thirty (30) days of service of this Charge. Frank Ragle and any other person aggrieved by this alleged discriminatory practice may participate as a party in the hearing by filing a request for intervention. All discovery in this matter must be completed fifteen (15) days prior to the date of hearing.

*If at any time following service of this charge Respondents intends to enter into a contract, sale, encumbrance, or lease with any person regarding the property that is the subject of this charge, Respondents must provide a copy of this charge to the person prior to entering into such contract, sale, encumbrance or lease. 910 IAC 2-7-4(e)(3)*

August 13, 2012

Date

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Jamal L. Smith  
Executive Director  
Indiana Civil Rights Commission